

In the High Court of Judicature at Madras

Dated: 10.9.2015

Coram:

The Hon'ble Mr. Justice M. Jaichandren

Writ Petition No. 24556 of 2012

C. Saravana Kumar .. Petitioner

vs.

1. Indian Bank,
rep. by its Zonal Manager, Chennai.

2. The Branch Manager,
Indian Bank, Red Hills,
Chennai-52.

3. Sumathi ... Respondents

[R3 impleaded as per order dated 20.11.2012
in MP.1/2012]

Prayer: Petition is filed under Article 226 of the Constitution of India praying to issue a writ of mandamus, directing the respondents to return the hand over the original documents viz., (i) Original approved Plan dated 20.2.1998 and orders for construction of superstructure of the subject property (ii) Original Property tax Receipt dated 8.3.2002 and Original Settlement Deed dated 12.7.2002 registered as Document No. 2171/ 2002 deposited for the Loan i.e. Loan Type - Retail Traders GL Code - 565 Loan Account No -317 Loan Date- 27.11.2002 Bank Account No.-469298989, Branch - Red Hills Chennai, within a reasonable time to be fixed by this Honourable Court.

For petitioner : Mr. G. Vivekanandan
For respondents : Mr. Jayesh B. Dolia for
M/s. Aiyar & Dolia for R1 & R2
No appearance for R3

O R D E R

Heard the learned counsels appearing on behalf of the petitioner, as well as respondents 1 and 2. There is no representation on behalf of the 3rd respondent.

2. At this stage of the hearing of the Writ Petition, the learned counsel appearing on behalf of respondents 1 and 2 had submitted that the original approved plan, dated 20.2.1998, and the Original

Settlement Deed, dated 12.7.2002, registered as Document No.2171/2002, which had been deposited by the petitioner, for obtaining the loan from the 2nd respondent-Bank, in Loan Account No.317, are not traceable by the 2nd respondent-Bank, in spite of their sincere attempts to search for the same.

3. However, the learned counsel appearing on behalf of respondents 1 and 2 had submitted that the 2nd respondent-Bank undertakes to initiate necessary steps to issue paper publication and also lodge a police complaint, with regard to the lost documents. The learned counsel had further submitted that the 2nd respondent-Bank undertakes to issue a 'No Due Certificate' in favour of the petitioner toward the discharge of his liabilities. The learned counsel had also submitted that the amounts spent by the petitioner in getting the certified copies of the above mentioned documents would be reimbursed by the 2nd respondent-Bank, in favour of the petitioner. The learned counsel had further submitted that, if the petitioner approaches the respondent-Bank, seeking a fresh loan, such request will not be rejected on the ground that the original documents have not been furnished by the petitioner, provided the petitioner is otherwise eligible for the loan.

4. The learned counsel appearing on behalf of the petitioner had agreed to the above said terms submitted on behalf of respondents 1 and 2.

5. In such circumstances, recording the submissions made by the learned counsel appearing on behalf of respondents 1 and 2, the Writ Petition stands closed, as no further orders are necessary. No costs.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

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To

1.The Zonal Manager, Indian Bank,
Chennai.

2.The Branch Manager,
Indian Bank, Red Hills,
Chennai-52.

1 cc to Mr. .G.Vivekanandan, Advocate Sr.No.49391

1 cc to Mr. M/s.Aiyar & Dolia , Advocate Sr.No.50034

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bvr (co)pmk.29.9.2015